

Appl. No. 10/654,367
Amendment dated August 22, 2005
Reply to Office Action of April 20, 2005

REMARKS

Applicants have received and reviewed the Office Action dated April 20, 2005. By way of response, Applicants have canceled without prejudice claims 1-41. Applicants have added claims 42-59. Applicants request consideration of the following remarks.

For the reasons given below, Applicants submit that the amended claims are in condition for allowance and notification to that effect is earnestly solicited.

Petition for Extension of Time

It is noted that a 1-month petition for extension of time is necessary to provide for timeliness of the response. A request for such an extension is made extending the time for response from July 20, 2005 to August 20, 2005, which falls on a Saturday, extending the time for response to Monday, August 22, 2005.

Newly Presented Claims

Claims 42 and 51 are independent claims. Claims 43-50 are dependent claims that depend from claim 42. Claims 52-59 are dependent claims that depend from claim 51. Claims 42-59 are supported in the specification and the claims as originally filed. Thus, they are all allowable.

Independent claims 42 and 51 generally correspond to claim 3 as originally filed. The recitation of specific instruments and devices in claim 51 finds support in the specification at least at least at page 5, lines 4-12.

Claims 43 and 52 generally correspond to claims 4 and 29 as originally filed.

Claims 44 and 53 generally correspond to claim 30 as originally filed.

Claims 45 and 54 generally correspond to claim 31 as originally filed.

Claims 46 and 55 generally correspond to claim 32 as originally filed.

Claims 47 and 56 generally correspond to claims 5 and 33 as originally filed.

Claims 48 and 57 generally correspond to claim 34 as originally filed.

Claims 49 and 58 generally correspond to claim 35 as originally filed.

Claims 50 and 59 generally correspond to claim 36 as originally filed.

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As claims 42-59 are supported in the specification and the claims as originally filed, these claims are in condition for allowance. Notification to that effect is earnestly solicited.

Claim Rejections Under 35 USC § 103(a)

Lentsch et al. and Schulz et al.

The Examiner rejected claims 3-5 and 29-36 under 35 USC § 103(a) as obvious over Lentsch et al. (US Patent No. 5,880,088). The Examiner rejected claims 3,4 and 29-32 under 35 USC § 103(a) as obvious over Schulz et al. (US Patent No. 5,698,513). Although these rejections have not been raised against the newly presented claims, they are discussed insofar as they might apply. Applicants respectfully traverse these rejections.

Newly presented independent claim 42 recites a method for cleaning a medical cart or cage employing a neutral or neutralizing rinse composition. The Office Action asserts that the originally claimed method of rinsing medical equipment (recited in the originally filed claims as "medical cart, cage, instrument, or device") overlaps utensils as described in the references cited in this rejection. Independent claim 42 recites "medical cart or cage". Carts and cages are not utensils. Therefore, the references cited in the rejection neither teach nor suggest the presently claimed invention.

Newly presented claim 51 recites a method employing a neutral or neutralizing rinse composition for cleaning:

"tray, pan, holder, rack, forcep, scissor, shear, saw, hemostat, knife, chisel, rongeur, file, nipper, drill, drill bit, rasp, burr, spreader, breaker, elevator, clamp, needle holder, carriers, clip, hook, gouge, curette, retractor, straightener, punch, extractor, scoop, keratome, spatula, expressor, trocar, dilator, cage, glassware, tubing catheter, cannula, plug, stent, endoscope, endotracheal tube, anesthesia breathing circuit, cytoscope, arthroscope, or combination of thereof".

The Office Action asserts that the originally claimed method of rinsing medical equipment (recited in the originally filed claims as "medical cart, cage, instrument, or device") overlaps utensils as described in the references cited in this rejection. Independent claim 51 recites specific medical devices and instruments. The specific medical devices and instruments recited in claim 51 are not utensils. Therefore, the references cited in the rejection neither teach nor suggest the presently claimed invention.

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Further, the markets for equipment and supplies for washing medical carts, cages, medical devices or instruments, or other medical equipment are distinct from markets for cleaning other wares, such as kitchen wares (present specification at page 1, lines 22-24). The specification is presumed to be accurate until the facts prove otherwise. The Office Action asserts that medical equipment overlaps utensils but includes no facts to support this assertion or to rebut the statement in the specification. Therefore, the references cited in the rejection neither teach nor suggest the presently claimed invention.

Accordingly, based on the foregoing differences, it is submitted that the references cited in the rejection neither teach nor suggest the newly presented claims, and withdrawal of this rejection is respectfully requested.

Richter et al. and Bull

The Examiner rejected claims 3, 5 and 33 under 35 U.S.C. § 103(a) as obvious over Richter et al. (US Patent No. 5,234,719). The Examiner rejected claims 3, 5 and 33 under 35 USC § 103(a) as being obvious over Bull (US Patent No. 5,310,549). Although these rejections have not been raised against the newly presented claims, they are discussed insofar as they might apply. Applicants respectfully traverse these rejections.

Newly presented independent claim 42 recites a method for cleaning a medical cart or cage employing a neutral or neutralizing rinse composition. The Office Action asserts that the originally claimed method of rinsing medical equipment (recited in the originally filed claims as "medical cart, cage, instrument, or device") is obvious over a composition employed in health care environments. Independent claim 42 recites "medical cart or cage". Carts and cages are not suggested by the term healthcare environment. Therefore, the references cited in the rejection neither teach nor suggest the presently claimed invention.

Newly presented claim 51 recites a method employing a neutral or neutralizing rinse composition for cleaning:

"tray, pan, holder, rack, forcep, scissor, shear, saw, hemostat, knife, chisel, rongeur, file, nipper, drill, drill bit, rasp, burr, spreader, breaker, elevator, clamp, needle holder, carriers, clip, hook, gouge, curette, retractor, straightener, punch, extractor, scoop, keratome, spatula, expressor, trocar, dilator, cage, glassware, tubing catheter, cannula, plug, stent, endoscope, endotracheal tube, anesthesia breathing circuit, cytoscope, arthroscope, or combination of thereof".

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The Office Action asserts that the originally claimed method of rinsing medical equipment (recited in the originally filed claims as "medical cart, cage, instrument, or device") is obvious over a composition employed in health care environments. Independent claim 51 recites specific medical devices and instruments. The specific medical devices and instruments recited in claim 51 are not suggested by the term healthcare environment. Therefore, the references cited in the rejection neither teach nor suggest the presently claimed invention.

Further, the markets for cleaning a health care environment are segmented. As described in the present specification:

Surprisingly, equipment for washing medical carts is a different market from equipment for washing medical cages, which is in turn a different market than equipment for washing medical instruments or devices, and so on. As a result of this market segmentation, suppliers of equipment for washing medical carts, do not necessarily make equipment for washing medical cages (and vice versa), suppliers of equipment for washing medical cages do not necessarily make equipment for washing medical instruments or devices (and vice versa), and so on. (Present specification at page 1, lines 24-30.)

The specification is presumed to be accurate until the facts prove otherwise. The Office Action asserts that a general allusion to a health care environment indicates carts, cages and medical instruments but includes no facts to support this assertion or to rebut the statement in the specification. Therefore, the references cited in the rejection neither teach nor suggest the presently claimed invention.

Accordingly, based on the foregoing differences, it is submitted that the references cited in the rejection neither teach nor suggest the newly presented claims, and withdrawal of this rejection is respectfully requested.

Obviousness-Type Double Patenting Rejection

The Examiner rejected claims 3-5 and 29-33 under the judicially created doctrine of double patenting over claims 1-5 of US Patent No. 6,632,291. Applicants respectfully traverse this rejection.

Applicants argue this rejection is moot because the claims subject to this rejection have been canceled without prejudice. As this rejection is moot, Applicants respectfully request these rejections be withdrawn.

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Solely to expedite prosecution, Applicants submit herewith a terminal disclaimer.
Applicants respectfully request this rejection be withdrawn.

Summary

Applicants submit that claims 42-59 are in condition for allowance, and notification to that effect is earnestly solicited. The Examiner is invited to contact Applicants' representative at the telephone number listed below, if the Examiner believes that doing so will advance prosecution of this application.

Respectfully submitted,
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